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By: **Delegates Kach, G. Clagett, Cluster, Frush, Glassman, Hogan, Holmes,  
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Introduced and read first time: February 13, 2004

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Residential Dwellings - Notice and Opportunity to Repair**  
3 **Construction Defects**

4 FOR the purpose of establishing certain procedures for a certain homeowner or  
5 association, including a homeowners association, council of unit owners of a  
6 condominium, or cooperative housing association, to assert a claim against a  
7 certain contractor or construction professional for a construction defect in a  
8 certain residential dwelling; requiring a claimant to comply with certain  
9 procedures concerning notice to a construction professional and provide an  
10 opportunity to repair a certain construction defect before bringing a civil action  
11 or arbitration proceeding for certain damages; requiring a claimant to serve  
12 written notice of a claim of a construction defect on the contractor with whom  
13 the claimant has a direct contractual relationship within a certain time period;  
14 requiring a contractor to forward a copy of the claim to each construction  
15 professional the contractor believes responsible for the construction defect and  
16 requiring the contractor to specify the construction defect for each construction  
17 professional involved; requiring a claimant to allow inspection of the dwelling by  
18 certain construction professionals at certain times and to provide certain  
19 evidence of the construction defect to the construction professionals; requiring a  
20 contractor and construction professional to respond in writing to a claimant  
21 within a certain time period with a proposal to repair the construction defect, an  
22 offer to settle the claim for money, or a statement denying the claim and refusing  
23 to repair or settle the claim; authorizing a claimant to file a civil action or bring  
24 an arbitration proceeding without further notice if a contractor or construction  
25 professional fails to respond as required by this Act or refuses to repair the  
26 defect or settle the claim; authorizing a claimant to file a civil action or bring an  
27 arbitration proceeding after giving notice to a contractor or construction  
28 professional rejecting the proposal to repair or offer to settle; requiring a  
29 claimant to accept the proposal or offer by written notice given in a certain time  
30 period; requiring a claimant to allow a contractor, construction professionals,  
31 and certain agents access to a dwelling to perform certain repairs under certain  
32 conditions; under certain conditions, requiring a claimant who discovers a  
33 subsequent construction defect to comply with the requirements of this Act

1 before filing an action concerning the subsequently discovered defect; limiting  
2 recovery in an action for a claimant who unreasonably rejects an offer or refuses  
3 to allow a contractor or construction professional reasonable opportunity to  
4 perform certain repairs; providing that certain actions of a claimant are  
5 admissible in an action; providing certain evidentiary presumptions in an  
6 action; providing that certain actions of a contractor or construction professional  
7 may, under certain circumstances, preclude the contractor or construction  
8 professional from raising certain defenses in an action; tolling certain statutes of  
9 limitations under certain circumstances; requiring a court, on motion of a party,  
10 to dismiss an action without prejudice for not complying with requirements of  
11 this Act and authorizing the judge to award certain attorneys' fees; providing  
12 that this Act is not applicable to certain actions arising out of claims for personal  
13 injury or death; requiring certain home builders to provide new home owners  
14 certain information within a certain time period concerning work performed by  
15 certain subcontractors and design professionals and notice of the provisions of  
16 this Act; defining certain terms; and generally relating to a procedure to resolve  
17 disputes concerning construction defects in residential dwellings.

18 BY adding to

19 Article - Real Property

20 Section 10-801 through 10-815, inclusive, to be under the new subtitle "Subtitle

21 8. Notice and Opportunity to Repair Construction Defects in Residential

22 Dwellings"; and 14-117(k)

23 Annotated Code of Maryland

24 (2003 Replacement Volume and 2003 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article - Real Property**

28 **SUBTITLE 8. NOTICE AND OPPORTUNITY TO REPAIR CONSTRUCTION DEFECTS IN**  
29 **RESIDENTIAL DWELLINGS.**

30 10-801.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
32 INDICATED.

33 (B) "ACTION" MEANS A CIVIL LAWSUIT OR ARBITRATION PROCEEDING FOR  
34 DAMAGES OR INDEMNITY ASSERTING A CLAIM FOR INJURY OR LOSS TO A DWELLING  
35 OR PERSONAL PROPERTY CAUSED BY AN ALLEGED CONSTRUCTION DEFECT  
36 RELATED TO, OR ARISING OUT OF THE DESIGN, CONSTRUCTION, OR CONDITION OF A  
37 DWELLING.

38 (C) "ASSOCIATION" MEANS:

1 (1) A HOMEOWNERS ASSOCIATION AS DEFINED IN § 11B-101 OF THIS  
2 ARTICLE;

3 (2) A COUNCIL OF UNIT OWNERS OF A CONDOMINIUM AS DEFINED IN §  
4 11-101 OF THIS ARTICLE; OR

5 (3) A COOPERATIVE HOUSING CORPORATION AS DEFINED IN § 5-6B-01  
6 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

7 (D) "CLAIMANT" MEANS A HOMEOWNER OR ASSOCIATION THAT ASSERTS A  
8 CLAIM AGAINST A CONSTRUCTION PROFESSIONAL CONCERNING A CONSTRUCTION  
9 DEFECT IN THE DESIGN, CONSTRUCTION, OR CONDITION OF A DWELLING.

10 (E) "CONSTRUCTION DEFECT" MEANS A DEFICIENCY IN, OR ARISING OUT OF,  
11 THE DESIGN, SPECIFICATIONS, SURVEYING, PLANNING, SUPERVISION,  
12 OBSERVATION OF, OR CONSTRUCTION OF RESIDENTIAL IMPROVEMENTS THAT  
13 RESULTS FROM:

14 (1) USE OF DEFECTIVE MATERIALS, PRODUCTS, OR COMPONENTS IN  
15 THE CONSTRUCTION;

16 (2) VIOLATION OF APPLICABLE BUILDING CODES IN EFFECT AT THE  
17 TIME OF THE CONSTRUCTION;

18 (3) FAILURE OF THE DESIGN TO MEET THE APPLICABLE PROFESSIONAL  
19 STANDARDS OF CARE AT THE TIME OF GOVERNMENTAL APPROVAL OF THE DESIGN;  
20 OR

21 (4) FAILURE TO CONSTRUCT THE RESIDENTIAL IMPROVEMENTS IN  
22 ACCORDANCE WITH THE ACCEPTED TRADE STANDARDS FOR GOOD AND  
23 WORKMANLIKE CONSTRUCTION AT THE TIME OF CONSTRUCTION.

24 (F) (1) "CONSTRUCTION PROFESSIONAL" MEANS A CONTRACTOR,  
25 SUBCONTRACTOR, SUPPLIER, OR DESIGN PROFESSIONAL.

26 (2) "CONSTRUCTION PROFESSIONAL" INCLUDES:

27 (I) AN ARCHITECT LICENSED UNDER TITLE 3 OF THE BUSINESS  
28 OCCUPATIONS AND PROFESSIONS ARTICLE;

29 (II) AN INTERIOR DESIGNER CERTIFIED UNDER TITLE 8 OF THE  
30 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

31 (III) A LANDSCAPE ARCHITECT LICENSED UNDER TITLE 9 OF THE  
32 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

33 (IV) A PROFESSIONAL ENGINEER LICENSED UNDER TITLE 14 OF  
34 THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

1 (V) A PROFESSIONAL LAND SURVEYOR OR PROPERTY LINE  
2 SURVEYOR LICENSED UNDER TITLE 15 OF THE BUSINESS OCCUPATIONS AND  
3 PROFESSIONS ARTICLE.

4 (G) (1) "CONTRACTOR" MEANS A PERSON THAT IS ENGAGED IN THE  
5 BUSINESS OF DESIGNING, DEVELOPING, OR CONSTRUCTING DWELLINGS.

6 (2) "CONTRACTOR" INCLUDES A HOME BUILDER REGISTERED UNDER  
7 TITLE 4.5 OF THE BUSINESS REGULATION ARTICLE.

8 (H) (1) "DWELLING" MEANS:

9 (I) A SINGLE-FAMILY, DETACHED OR ATTACHED RESIDENTIAL  
10 STRUCTURE OR DUPLEX UNIT; OR

11 (II) A UNIT IN A MULTIFAMILY STRUCTURE DESIGNED FOR  
12 RESIDENTIAL USE IN WHICH TITLE TO EACH RESIDENTIAL UNIT IS TRANSFERRED TO  
13 THE OWNER UNDER A CONDOMINIUM OR COOPERATIVE SYSTEM.

14 (2) "DWELLING" INCLUDES:

15 (I) THE SYSTEMS, COMPONENTS, AND IMPROVEMENTS THAT ARE  
16 PART OF A SINGLE OR MULTIFAMILY UNIT AT THE TIME OF CONSTRUCTION; AND

17 (II) THE COMMON AREAS AND IMPROVEMENTS OWNED OR  
18 MAINTAINED BY AN ASSOCIATION.

19 10-802.

20 BEFORE A CLAIMANT MAY BRING AN ACTION FOR DAMAGES TO A DWELLING OR  
21 PERSONAL PROPERTY BASED ON A CLAIM OF A CONSTRUCTION DEFECT, THE  
22 CLAIMANT SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE.

23 10-803.

24 (A) NO LATER THAN 90 DAYS BEFORE FILING AN ACTION FOR DAMAGES TO A  
25 DWELLING OR PERSONAL PROPERTY BASED ON A CLAIM OF A CONSTRUCTION  
26 DEFECT, THE CLAIMANT SHALL SERVE WRITTEN NOTICE OF THE CLAIM ON THE  
27 CONTRACTOR WITH WHOM THE CLAIMANT HAS A DIRECT CONTRACTUAL  
28 RELATIONSHIP.

29 (B) THE NOTICE SHALL BE SENT BY CERTIFIED MAIL OR PERSONALLY  
30 DELIVERED TO THE CONTRACTOR'S PRINCIPAL PLACE OF BUSINESS IN THE STATE.

31 (C) THE NOTICE SHALL:

32 (1) STATE THE CLAIM OF A CONSTRUCTION DEFECT; AND

33 (2) DESCRIBE THE CLAIM IN DETAIL REASONABLY SUFFICIENT FOR THE  
34 CONTRACTOR TO DETERMINE:

1 (I) THE GENERAL NATURE OF THE CONSTRUCTION DEFECT; AND

2 (II) THE RESULTS OF THE DEFECT, IF KNOWN.

3 10-804.

4 (A) NO LATER THAN 15 DAYS AFTER RECEIVING A NOTICE OF CLAIM  
5 REQUIRED UNDER § 10-803 OF THIS SUBTITLE, A CONTRACTOR SHALL FORWARD A  
6 COPY OF THE NOTICE TO EACH CONSTRUCTION PROFESSIONAL WHOM THE  
7 CONTRACTOR BELIEVES TO BE RESPONSIBLE FOR A CONSTRUCTION DEFECT  
8 SPECIFIED IN THE NOTICE.

9 (B) A CONTRACTOR SHALL INCLUDE THE SPECIFIC CONSTRUCTION DEFECT  
10 FOR WHICH THE CONTRACTOR BELIEVES THE CONSTRUCTION PROFESSIONAL IS  
11 RESPONSIBLE.

12 10-805.

13 (A) ON REQUEST OF A CONTRACTOR WHO RECEIVES NOTICE UNDER § 10-803  
14 OF THIS SUBTITLE OR A CONSTRUCTION PROFESSIONAL WHO RECEIVES A COPY OF  
15 THE NOTICE UNDER § 10-804 OF THIS SUBTITLE, THE CLAIMANT SHALL:

16 (1) ALLOW THE CONTRACTOR, CONSTRUCTION PROFESSIONAL, OR  
17 THEIR AGENTS REASONABLE ACCESS DURING NORMAL WORKING HOURS TO  
18 INSPECT THE DWELLING TO DETERMINE THE NATURE AND CAUSE OF THE  
19 CONSTRUCTION DEFECT AND THE NATURE AND EXTENT OF REPAIRS OR  
20 REPLACEMENTS NECESSARY TO REMEDY THE CONSTRUCTION DEFECT; AND

21 (2) PROVIDE ANY EVIDENCE THAT DEPICTS THE NATURE AND CAUSE OF  
22 THE CONSTRUCTION DEFECT OR THE NATURE AND EXTENT OF REPAIRS NECESSARY  
23 TO REMEDY THE CONSTRUCTION DEFECT.

24 (B) EVIDENCE DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION MAY  
25 INCLUDE ANY EVIDENCE DISCOVERABLE UNDER THE MARYLAND RULES,  
26 INCLUDING EXPERT REPORTS, PHOTOGRAPHS, OR VIDEOTAPES.

27 10-806.

28 (A) NO LATER THAN 30 DAYS AFTER INSPECTION OF THE DWELLING OR  
29 RECEIPT OF EVIDENCE REQUIRED UNDER § 10-805(A)(2) OF THIS SUBTITLE,  
30 WHICHEVER IS LATER, A CONTRACTOR THAT RECEIVES NOTICE UNDER § 10-803 OF  
31 THIS SUBTITLE AND EACH CONSTRUCTION PROFESSIONAL THAT RECEIVES A COPY  
32 OF THE NOTICE UNDER § 10-804 OF THIS SUBTITLE SHALL SEND A WRITTEN  
33 RESPONSE TO THE CLAIMANT BY CERTIFIED MAIL OR PERSONAL DELIVERY.

34 (B) THE WRITTEN RESPONSE REQUIRED UNDER SUBSECTION (A) OF THIS  
35 SECTION SHALL:

36 (1) PROPOSE TO REPAIR THE CONSTRUCTION DEFECT WITHIN A  
37 SPECIFIED TIME PERIOD;

1 (2) OFFER TO SETTLE THE CLAIM BY MONETARY PAYMENT; OR

2 (3) STATE THAT THE CONTRACTOR OR CONSTRUCTION PROFESSIONAL  
3 DENIES THE CLAIM AND REFUSES TO REPAIR THE CONSTRUCTION DEFECT OR  
4 SETTLE THE CLAIM.

5 10-807.

6 A CLAIMANT MAY FILE AN ACTION WITHOUT FURTHER NOTICE IF A  
7 CONTRACTOR OR CONSTRUCTION PROFESSIONAL:

8 (1) DOES NOT RESPOND TO WRITTEN NOTICE WITHIN 30 DAYS OF  
9 RECEIVING A NOTICE OF THE CLAIM UNDER § 10-803 OF THIS SUBTITLE OR A COPY  
10 OF THE NOTICE UNDER § 10-804 OF THIS SUBTITLE;

11 (2) IF INSPECTION OR EVIDENCE IS REQUESTED UNDER § 10-805 OF THIS  
12 SUBTITLE, DOES NOT RESPOND AS REQUIRED BY § 10-806 OF THIS SUBTITLE; OR

13 (3) RESPONDS BY REFUSING TO REPAIR THE CONSTRUCTION DEFECT  
14 OR SETTLE THE CLAIM.

15 10-808.

16 (A) WITHIN 30 DAYS AFTER RECEIVING A PROPOSAL OR OFFER UNDER §  
17 10-806(B)(1) OR (2) OF THIS SUBTITLE, A CLAIMANT SHALL SEND A WRITTEN NOTICE  
18 TO A CONTRACTOR OR CONSTRUCTION PROFESSIONAL BY CERTIFIED MAIL OR  
19 PERSONAL DELIVERY THAT EITHER THE CLAIMANT:

20 (1) REJECTS THE REPAIR PROPOSAL OR SETTLEMENT OFFER AND  
21 PROVIDES A BASIS FOR THE REJECTION IN THE NOTICE; OR

22 (2) ACCEPTS THE REPAIR PROPOSAL OR SETTLEMENT OFFER.

23 (B) A CLAIMANT WHO ACCEPTS THE REPAIR PROPOSAL UNDER SUBSECTION  
24 (A)(2) OF THIS SECTION SHALL ALLOW THE CONTRACTOR, CONSTRUCTION  
25 PROFESSIONAL, THEIR CONTRACTORS, AND AGENTS REASONABLE ACCESS TO THE  
26 DWELLING DURING NORMAL BUSINESS HOURS TO PERFORM THE WORK WITHIN THE  
27 TIME PERIOD STATED IN THE PROPOSAL.

28 10-809.

29 UNLESS A CONTRACTOR OR CONSTRUCTION PROFESSIONAL HAS FAILED TO  
30 RESPOND IN GOOD FAITH TO A NOTICE SERVED UNDER § 10-803 OF THIS SUBTITLE, A  
31 CLAIMANT WHO DISCOVERS A CONSTRUCTION DEFECT AFTER SERVING THE NOTICE  
32 MAY NOT FILE AN ACTION FOR DAMAGES TO THE DWELLING OR PERSONAL  
33 PROPERTY FOR A SUBSEQUENTLY DISCOVERED CONSTRUCTION DEFECT BEFORE  
34 COMPLYING WITH THE REQUIREMENTS OF THIS SUBTITLE WITH RESPECT TO THE  
35 SUBSEQUENTLY DISCOVERED CONSTRUCTION DEFECT.

1 10-810.

2 A CLAIMANT WHO UNREASONABLY REJECTS A REPAIR PROPOSAL MADE UNDER  
3 § 10-806(B)(1) OF THIS SUBTITLE OR WHO ACCEPTS THE PROPOSAL BUT DOES NOT  
4 PERMIT A CONTRACTOR OR CONSTRUCTION PROFESSIONAL REASONABLE  
5 OPPORTUNITY TO REPAIR THE CONSTRUCTION DEFECT IN ACCORDANCE WITH THE  
6 WRITTEN ACCEPTANCE UNDER § 10-808(A)(2) OF THIS SUBTITLE IS LIMITED IN AN  
7 ACTION TO THE RECOVERY OF:

8 (1) THE REASONABLE COST OF THE REPAIR PROPOSAL MADE UNDER §  
9 10-806(B)(1) OF THIS SUBTITLE; OR

10 (2) THE SETTLEMENT AMOUNT OFFERED UNDER § 10-806(B)(2) OF THIS  
11 SUBTITLE.

12 10-811.

13 (A) A CLAIMANT'S FAILURE TO ALLOW AN INSPECTION REQUIRED UNDER §  
14 10-805(A)(1) OF THIS SUBTITLE OR TO RESPOND TO A REPAIR PROPOSAL OR  
15 SETTLEMENT OFFER MADE UNDER § 10-806 OF THIS SUBTITLE:

16 (1) IS ADMISSIBLE IN AN ACTION; AND

17 (2) ESTABLISHES A REBUTTABLE PRESUMPTION THAT THE CLAIMANT'S  
18 DAMAGES COULD HAVE BEEN MITIGATED.

19 (B) WITH RESPECT TO ALL MATTERS SPECIFIED IN A BUILDING CODE,  
20 COMPLIANCE OF A CONTRACTOR OR CONSTRUCTION PROFESSIONAL WITH THE  
21 CODE IN EFFECT AT THE TIME OF THE CONSTRUCTION OF A DWELLING IS  
22 CONCLUSIVE EVIDENCE OF CONSTRUCTION IN ACCORDANCE WITH ACCEPTED  
23 TRADE STANDARDS FOR GOOD WORKMANLIKE CONSTRUCTION.

24 10-812.

25 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A  
26 CONTRACTOR OR CONSTRUCTION PROFESSIONAL WHO FAILS TO RESPOND IN GOOD  
27 FAITH TO A NOTICE SERVED UNDER § 10-803 OF THIS SUBTITLE MAY NOT ASSERT IN  
28 AN ACTION THAT THE CLAIMANT FAILED TO COMPLY WITH THE REQUIREMENTS OF  
29 THIS SUBTITLE.

30 (B) A CONTRACTOR OR CONSTRUCTION PROFESSIONAL MAY RAISE A GOOD  
31 CAUSE REASON FOR FAILING TO RESPOND TO A NOTICE SERVED UNDER § 10-803 OF  
32 THIS SUBTITLE.

33 10-813.

34 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE BY CERTIFIED  
35 MAIL OR PERSONAL DELIVERY OF A WRITTEN NOTICE UNDER § 10-803 OF THIS  
36 SUBTITLE SHALL TOLL FOR 90 DAYS ALL STATUTES OF LIMITATIONS APPLICABLE TO

1 THE CLAIM STATED IN THE NOTICE AGAINST A CONTRACTOR OR CONSTRUCTION  
2 PROFESSIONAL WHO RECEIVES THE NOTICE.

3 10-814.

4 THE COURT, ON THE MOTION OF A PARTY TO AN ACTION UNDER THIS  
5 SUBTITLE:

6 (1) SHALL DISMISS AN ACTION WITHOUT PREJUDICE THAT DOES NOT  
7 COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE; AND

8 (2) MAY AWARD INCURRED ATTORNEYS' FEES TO THE DEFENDANT.

9 10-815.

10 THIS SUBTITLE DOES NOT APPLY TO ANY ACTION ARISING OUT OF A CLAIM FOR  
11 PERSONAL INJURY OR DEATH, OR BOTH.

12 14-117.

13 (K) (1) THIS SUBSECTION APPLIES THROUGHOUT THE STATE.

14 (2) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
15 MEANINGS INDICATED.

16 (II) "DESIGN PROFESSIONAL" INCLUDES:

17 1. AN ARCHITECT LICENSED UNDER TITLE 3 OF THE  
18 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

19 2. AN INTERIOR DESIGNER CERTIFIED UNDER TITLE 8 OF  
20 THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

21 3. A LANDSCAPE ARCHITECT LICENSED UNDER TITLE 9 OF  
22 THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

23 4. A PROFESSIONAL ENGINEER LICENSED UNDER TITLE 14  
24 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

25 5. A PROFESSIONAL LAND SURVEYOR OR PROPERTY LINE  
26 SURVEYOR LICENSED UNDER TITLE 15 OF THE BUSINESS OCCUPATIONS AND  
27 PROFESSIONS ARTICLE.

28 (III) "HOME BUILDER" HAS THE MEANING STATED IN § 4.5-101 OF  
29 THE BUSINESS REGULATION ARTICLE.

30 (IV) "LICENSED SUBCONTRACTOR" MEANS A PERSON LICENSED  
31 UNDER § 8-301 OF THE BUSINESS REGULATION ARTICLE.

32 (V) "NEW HOME" HAS THE MEANING STATED IN § 4.5-101 OF THE  
33 BUSINESS REGULATION ARTICLE.

1 (VI) "OWNER" HAS THE MEANING STATED IN § 4.5-101 OF THE  
2 BUSINESS REGULATION ARTICLE.

3 (3) NO LATER THAN 30 DAYS AFTER CLOSING ON THE SALE OF A NEW  
4 HOME, A HOME BUILDER SHALL PROVIDE IN WRITING TO THE OWNER OF THE NEW  
5 HOME:

6 (I) THE NAME, LICENSE NUMBER, BUSINESS ADDRESS, AND  
7 TELEPHONE NUMBER OF EACH LICENSED SUBCONTRACTOR AND DESIGN  
8 PROFESSIONAL WHO PERFORMED WORK RELATED TO THE DESIGN AND  
9 CONSTRUCTION OF THE NEW HOME;

10 (II) A BRIEF DESCRIPTION OF THE WORK PERFORMED BY EACH  
11 LICENSED SUBCONTRACTOR AND DESIGN PROFESSIONAL; AND

12 (III) A STATEMENT IN SUBSTANTIALLY THE FOLLOWING FORM:

13 "NOTICE

14 TITLE 10, SUBTITLE 8 OF THE REAL PROPERTY ARTICLE OF THE MARYLAND  
15 ANNOTATED CODE CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW  
16 BEFORE YOU MAY FILE A LAWSUIT FOR DEFECTIVE CONSTRUCTION AGAINST THE  
17 CONTRACTOR WHO CONSTRUCTED YOUR HOME. NINETY DAYS BEFORE YOU FILE A  
18 LAWSUIT ABOUT DEFECTIVE CONSTRUCTION, YOU MUST DELIVER TO THE  
19 CONTRACTOR A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE  
20 ARE DEFECTIVE. YOU MUST PROVIDE YOUR CONTRACTOR AND ANY  
21 SUBCONTRACTORS, SUPPLIERS, OR DESIGN PROFESSIONALS THE OPPORTUNITY TO  
22 MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS. YOU ARE NOT OBLIGATED TO  
23 ACCEPT ANY OFFER MADE BY THE CONTRACTOR OR ANY SUBCONTRACTORS,  
24 SUPPLIERS, OR DESIGN PROFESSIONALS. THERE ARE STRICT DEADLINES AND  
25 PROCEDURES UNDER STATE LAW AND FAILURE TO FOLLOW THEM MAY AFFECT  
26 YOUR ABILITY TO FILE A LAWSUIT."

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 2004.